

## Planning Commission Communication

<p>Department: Community Development</p> <p>Case No. #ZC-16-003 Case No. #PR-16-001</p> <p>Applicant/Property Owner: Bethany Lutheran Home 7 Elliott Street Council Bluffs, IA 51503</p> <p>Represented by: Michael D. Van Sickle 24148 Sumac Road Neola, IA 51559</p> <p>Engineer: Matt Hubel, P.E. The Schemmer Associates, Inc. 1044 North 115<sup>th</sup> Street, Suite 300 Omaha, NE 68154</p>	<p>Ordinance No. _____</p> <p>Resolution No. _____</p>	<p>Planning Commission: 01/12/16</p>
<b>Subject</b>		
<p><b>Requests:</b></p> <ol style="list-style-type: none"> <li>1. Rezone property at 2410 North Broadway, legally described as Lots 2 &amp; 3, Auditor's Subdivision of the SW1/4 NW1/4 and Lots 2, 3, and 4, Auditor's Subdivision of the SE1/4 NW1/4; also all that parcel of land lying between the above lots and the westerly line of Broadway being a part of Lot 11, Auditor's Subdivision except part of the above property deeded to the City of Council Bluffs, Iowa for creek purposes, all in Section 19-75-43, Pottawattamie County, Iowa except for the following: Part of Lots 3 &amp; 4, Auditor's Subdivision of the SE1/4 NW1/4 of Section 19-75-73, more particularly described as follows: The East 115 feet of the West 165 feet of the North 49.11 feet of Lot 4, Auditor's Subdivision, together with a part of Lot 3, Auditor's Subdivision described as follows: Beginning at a point on the South lot line of said Lot 3, 50 feet East of the Southwest corner of said Lot 3, thence North a distance of 41.89 feet; thence East a distance of 106.5 feet; thence South 05°25' East a distance of 37.05 feet; thence East a distance of 5 feet; thence South a distance of 5 feet; thence West a distance of 115 feet to the point of beginning, all in Auditor's Subdivision of the SE1/4 NW1/4, Section 19-75-43, Pottawattamie County, Iowa from R-1/Single-Family Residential District to R-3/Low Density Multi-Family Residential District.</li> <li>2. Apply a Planned Residential Overlay and adopt the associated development plan for the Bethany Lutheran Home (Senior Living Community) at 2410 North Broadway.</li> </ol>		
<b>Background</b>		
<p>The Community Development Department has received an application from Bethany Lutheran Home to rezone property at 2410 North Broadway, as legally described above, from R-1/Single-Family Residential District to R-3/Low Density Multi-Family Residential District (see Attachments 'A' and 'B'). The applicant has also requested to apply a Planned Residential Overlay and to adopt an associated development plan for the subject 12.6 acre property. The purpose of the requests is to construct a new 58,160 square foot senior living community (life care facility) with 55 housing units and supportive administrative space on said property. A</p>		

total of 15 of the 55 living units are proposed to provide housing for Alzheimer's and memory care residents. The proposed request also includes 41 off-street parking spaces along with a 22' x 120' detached garage with 10 additional parking spaces.

#### CASE #ZC-16-003

On June 23, 2014, the Council Bluffs City Council rezoned 3.36 acres of the subject 12.6 acre property by Ordinance No. 6208 (see Attachment 'C'). The rezoning was approved to become effective with the adoption of a Planned Residential Overlay and approval of a two-lot minor subdivision (see Case #ZC-14-001). The purpose of the rezoning was to allow Bethany Lutheran Home to construct a 45-unit (34,428 square feet) senior living facility on the eastern 3.36 acres of the subject property. The minor subdivision and PR Overlay approval conditions were included in said ordinance to address site development constraints relative to floodway/floodplain and topography.

The applicant now requests to rezone all 12.6 acres from R-1 District to R-3 District and to apply a PR Overlay in order to have the flexibility to redevelop the entire property. The proposed 58,160 square foot senior living community along with all associated grading, parking, etc. will be concentrated on 6.45 acres at the eastern side of the subject property. The remaining 6.15 acres will be undisturbed. A legal description exhibit of the 6.45 acre development area is included with this report as Attachment 'D'.

#### *Current Zoning & Land Use*

The subject property is zoned R-1 District and is developed with one single-family residential dwelling. The existing dwelling is proposed to be demolished at the time of site grading for the new senior living community. Surrounding zoning in vicinity of the request includes R-1 District to the north, east and west. Properties to the south are zoned R-1 District and R-3 District. Existing land uses in vicinity of the request includes Emmanuel Lutheran Church (north), single-family residential & multi-family residential (south), Indian Creek & North Broadway (east) and single-family residential (west). The proposed senior living community (life care facility) is a permitted use in an R-3 District and is compatible with existing land uses in the surrounding area. *(Note: The applicant has purchased two abutting single-family residential properties at 20 Sylvan Drive and 24 Sylvan Drive. The applicant's future plans for these properties are unknown at this time. Said properties are not included in the proposed rezoning or PR Overlay request).*

The future land use plan of the Bluffs Tomorrow: 2030 Plan (comprehensive plan) designates the subject 12.6 acre property as Rural Residential. An R-3 District is generally not consistent with a Rural Residential land use classification. The property was designated as Rural Residential due to the topography of the site which makes it physically and economically challenging to develop as a single-family residential subdivision (see Attachments 'E' and 'F'). With that being said, the future land use plan does designate other properties to the north (along Coit Road) and south (along Elliot Street) that are located in Indian Creek floodplain as future High Density Residential. Both of these properties are developed with multi-family residential uses (Bethany Heights and Indian Creek Apartments). The applicant's submitted development plans, as discussed below, demonstrate that the eastern 6.45 acres can be graded and filled to raise the building site out of the floodplain without compromising the hill slopes on the western half of the property. The Community Development Department recommends approval to rezone the 6.45 acre development site (as legally described in Attachment 'D') from R-1 District to R-3 District, subject to the adoption of a PR Overlay and that the 12.6 acre property being re-platted as a two-lot, minor subdivision.



**Exhibit A – Aerial photograph of the subject property and surrounding area.**



**Case #PR-16-001**

The applicant has requested to apply a Planned Residential Overlay to the subject 12.6 acre parcel. Applying the Planned Residential Overlay to the proposed R-3 District zoning limits the use of the subject to the approved development plan. The submitted development plans show the proposed senior living community (life care facility) will be designed in a manner that is compatible with the surrounding residential area (see Attachment 'G'). The following development standards shall apply to the subject property.

**1. Site Development**

- a) The minimum tract of land required for a PR Overlay is 1.5 acres. The subject property totals 12.6 acres. The proposed senior living community will be located on the eastern 6.45 acres which exceeds the minimum PR Overlay acreage requirement. The Community Development recommends the subject property be subdivided into a two-lot minor subdivision and that the PR Overlay only be applicable to the eastern 6.45 acres shown on the development plan.
- b) The subject property has frontage along Sylvan Drive and North Broadway. For the purposes of determining minimum setback requirements the property line adjacent to the North Broadway shall be considered a street side yard and property line adjacent Sylvan Drive shall be considered the front yard.
- c) The subject property has access to Sylvan Drive which is a public road. Access shall be limited to one driveway shown on the development plan.
- d) The maximum height and minimum yard requirements for all structures shall comply with Section 15.10.050, *Site Development Regulations*, R-3/Low Density Multi-Family Residential District, of the Council Bluffs Zoning Ordinance. The submitted development plans show the proposed senior living facility will comply with R-3 District building setbacks and height requirements.
- e) The maximum lot coverage for all structures shall comply with Section 15.10.050, *Site Development Regulations*, R-3/Low Density Multi-Family Residential District, of the Council Bluffs Zoning

Ordinance. The maximum lot coverage for structures on property zoned R-3 District is 45%. The submitted development plans show the combined square footage for the senior life care facility (58,163 square feet) and 22'x120' (2,640 square feet) complies with the maximum R-3 District lot coverage standards.

- f) All trash receptacles shall be enclosed on three sides and screened from public view with materials similar to those of the primary building. The enclosure shall have a lockable gate which when closed completely eliminates view of the dumpster.
- g) All loading areas shall be screened from public view including all rights-of-way by a combination of complementary architectural treatments and/or landscaping which after three years shall significantly screen the loading area from view. The development plan shows the loading dock will be screened from view with a masonry wall.
- h) All proposed fencing shall comply with Section 15.24.040, *Fence regulations* of the Council Bluffs Zoning Ordinance. Outdoor recreational areas used by Alzheimer's and memory care residents may be enclosed with fencing that does exceed a maximum height of eight feet, measure from finished grade.
- i) Fire access to the building shall be provided in accordance with Section 503 of the 2009 International Fire Code, as required per the Council Bluffs Fire Marshal's Office.

**2. Landscaping**

- a) The submitted landscaping plan shows groupings of deciduous trees along the ingress/egress driveway as well as along the south property line, abutting existing residential properties along Sylvan Drive. Existing trees along the frontage of the property and the ingress/egress driveway are proposed to remain. All proposed landscaping plantings shall be installed in accordance with the proposed landscaping plan.
- b) Irrigation for the landscape plantings is not identified on the proposed development plan. The applicant shall provide irrigation plans at the time building plans are submitted for permit review.
- c) Ground cover plantings for the disturbed land area are not identified on the landscaping plan. All disturbed areas shall be seeded or sodded with grass turf.

**3. Utilities**

- a) The subject property has access to public water and sanitary sewer in Sylvan Drive.
- b) All utilities (e.g., gas, electric, telecommunication, etc.) shall be installed underground.

**4. Architecture**

- a) Building exteriors are proposed to be made up of a combination of brick veneer, cement board siding and trim, asphalt single roof and clad wood windows. The building will also have pitched roof. The proposed architectural renderings show the senior life care building will be constructed with a residential appearance that is compatible with the surrounding residential area.
- b) Architectural renderings for the 22'x120 detached garage were not provided. The garage building exterior shall be constructed with materials that are consistent with the proposed senior life care building.

**5. Off-Street Parking**

- a) The development plan proposes 41 off-street parking spaces (including two ADA spaces) as well as a 22'x120 detached garage. The garage will provide an additional 10 spaces. The parking requirements for the senior life care facility are based on the convalescent/nursing home requirements, as per Section 15.23.060, *Parking spaces required* of the Council Bluffs Zoning Ordinance. A minimum of one parking space per every three beds is required for this use. A total of 59 beds are proposed. Based on the above parking calculation a total of 20 off-street parking spaces are required. The proposed development plans exceeds the minimum parking requirements for the use.
- b) All parking/loading areas, driveways and drive aisles shall be design and constructed in accordance with Chapter 15.23, *Off-Street Parking, Loading and Unloading* of the Council Bluffs Zoning Ordinance.

**6. Signage**

- a) A neighborhood identification sign is proposed at the entrance of the senior care facility. The type,



height and size of the sign are unknown at this time. All proposed signage shall comply with Section 15.33.160(03), *PR/Planned Residential District Signs* of the Council Bluffs Zoning Ordinance.

**7. Floodway & Floodplain**

- a) The eastern third of the subject property is located in an AE Flood Zone (per FEMA Map Number 19155C0412E, dated 2/4/2005) and contains floodway associated with Indian Creek. The applicant shall contact the Council Bluffs Chief Building Official (Floodplain Administrator) to ensure the proposed development complies with all Federal, State and Local floodplain management standards.

**8. Drainage Report**

- a) A preliminary soils and drainage report was submitted to the Council Bluffs Public Works Department for the proposed development. The applicant shall continue to work with Public Works Department on the completion of a full report.

The following attachments are included with the case report

**Attachment A:** Letter of Intent

**Attachment B:** Location/zoning map

**Attachment C:** Copy of Ordinance No. 6208, adopted by City Council on June 23, 2014

**Attachment D:** Legal description exhibit describing the subject property and 6.45 acre development site

**Attachment E:** Floodplain/floodway map of subject property

**Attachment F:** Topographical contours map of the subject property

**Attachment G:** Proposed development plans

**Comments**

All property owners within 200 feet of the request were notified of the proposed rezoning. The following public comment was received:

1. Earl Ratekin, 214 Sylvan Drive, Council Bluffs, IA 51503, asked questions about storm drainage regarding the proposed development.
2. Audrey Robson, 220 Sylvan Drive, Council Bluffs, IA 51503, asked general questions about the proposed rezoning and senior life care facility.

All City Departments and local utility companies were notified of the proposed rezoning. The following comments were received:

**Council Bluffs Public Works Department:**

1. Geotechnical summary noted – Public Works will continue to work with the Engineer on development of a full report;
2. Drainage Study noted - Public Works will continue to work with the Engineer on development of a full report:
  - Complete stormwater requirements must be met (Quality and Quantity);
  - Basin requires a minimum 10' wide basin top for maintenance;
  - Basin ideally will not be located in the Floodway or fill material;
  - Maintenance plan for the basin will be fully developed;
3. Grading slopes shall be 1:3 or flatter to be maintainable unless otherwise specified by the geotechnical engineer;
4. Emergency vehicle size used for turning movement shall be verified with the Fire Marshall;
5. Floodplain development requirements shall be verified with the Floodplain manager with no improvements located within the Indian Creek Floodway; and
6. The applicant shall provide a 20 foot-wide storm water drainage/maintenance easement along the frontage of their property to the City for access to the Indian Creek channel. The applicant must contact the Public Works Department to determine the appropriate location for said easement.

Council Bluffs Water Works

1. No comments regarding the proposed rezoning and/or development plan.

Council Bluffs Building Division

1. The eastern third of the subject property is located in an AE Flood Zone (per FEMA Map Number 19155C0412E, dated 2/4/2005) and contains floodway associated with Indian Creek. The applicant shall contact the Council Bluffs Chief Building Official (Floodplain Administrator) to ensure the proposed development complies with all Federal, State and Local floodplain management standards.

Council Bluffs Fire Department

1. Fire access to the building shall be provided in accordance with Section 503 of the 2009 International Fire Code.

**Recommendation**

The Community Development recommends denial of the applicant's request as proposed and recommends approval of the following:

1. Rezoning the eastern 6.45 acres of property legally described above (as shown on legal description exhibit on Attachment 'D') from R-1/Single-Family Residential District to R-3/Low-Density Multi-Family Residential District subject to applying an approved PR/Planned Residential Overlay and subdividing the subject property as a two-lot minor subdivision.
2. Applying a PR/Planned Residential Overlay to the eastern 6.45 acres of property legally described above (as shown on legal description exhibit on Attachment 'D') subject to compliance with all comments and conditions stated in the above staff report.

**Attachment A:** Letter of Intent

**Attachment B:** Location/zoning map

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**Prepared By:** Christopher N. Gibbons, AICP, Planner